# PUBLIC 4 An Act To Change the Membership of the Board of Trustees of the Maine School of Science and Mathematics

LD8

Sponsor(s)	Committee Report	Amendments Adopted
YOUNG	OTP	

Public Law 2003, chapter 4 changes the membership of the Board of Trustees of the Maine School of Science and Mathematics to allow the chairperson of the Limestone School Board to choose a designee.

#### PUBLIC 56 An Act To Establish the Maine Week of Heroes

LD 477

Sponsor(s)	Committee Report	Amendments Adopted
VAUGHAN	OTP	
<b>EDMONDS</b>		

Public Law 2003, chapter 56 encourages each political subdivision and school administrative unit to observe a Maine Week of Heroes, during the week within which September 11th occurs, to honor the efforts of heroic people in Maine communities.

#### PUBLIC 57 EMERGENCY

An Act To Improve the Method of Reapportionment of School Boards

LD 527

Sponsor(s)	Committee Report	Amendments Adopted
NUTTING	OTP	
GAGNON		

Public Law 2003, chapter 57 provides two additional options to the board of directors of a school administrative district that is instituting an approved reapportionment plan that requires a reduction in the number of directors to be elected to represent a member municipality. To avoid the necessity of the existing directors representing the municipality having to cast lots to determine which director or directors position shall terminate in accordance with the reapportionment plan, the law allows one or more directors to voluntarily resign to achieve the necessary reduction and allows the municipality to reduce the number of open positions prior to election.

Public Law 2003, chapter 57 was enacted as an emergency measure effective April 18, 2003.

### PUBLIC 103 An Act To Amend the Maine State Grant Program

LD 1296

Sponsor(s)	Committee Report	Amendments Adopted
THOMAS	OTP	
CATHCART		

Public Law 2003, chapter 103 provides a description of need for student financial assistance that is consistent with the definition of need used in federal student financial assistance programs.

## PUBLIC 115 An Act Regarding the School Board of the Governor Baxter School for the Deaf

LD 420

Sponsor(s)	Committee Report	Amendments Adopted
CUMMINGS	OTP-AM	H-139

Public Law 2003, chapter 115 amends the appointment process for nonvoting student members of the School Board of the Governor Baxter School for the Deaf to provide that nonvoting members appointed by the Governor are not subject to review by the Joint Standing Committee on Education and Cultural Affairs nor subject to confirmation by the Legislature.

# PUBLIC 116 An Act Regarding Age Eligibility for Enrollment in a Public EMERGENCY Secondary School

LD 592

 Sponsor(s)
 Committee Report
 Amendments Adopted

 BRENNAN
 OTP

 MARLEY

Public Law 2003, chapter 116 authorizes the Commissioner of Education to waive, on a case-by-case basis, age requirements to allow students who have reached 20 years of age before the start of the school year to enroll as public secondary school students.

Public Law 2003, chapter 116 was enacted as an emergency measure effective May 8, 2003.

# PUBLIC 181 An Act To Amend the Laws Governing Home Instruction EMERGENCY

LD 160

Sponsor(s)	Committee Report	Amendments Adopted
WESTON	OTP-AM	S-79
<b>GAGNE-FRIEL</b>		

Public Law 2003, chapter 181 provides that a child is excused from attending a public day school if the child's parent or guardian provides a written notice of intent to provide home instruction to the Commissioner of Education within 10 calendar days of the beginning of home instruction. This notice must contain a statement of assurance that the home instruction program will provide 175 days of instruction annually, provide instruction in certain subject areas and provide for an annual assessment of the child's academic progress. The law also provides that the Commissioner of Education shall adopt major substantive rules to be consistent with these new requirements.

Public Law 2003, chapter 181 was enacted as an emergency measure effective May 16, 2003.

# PUBLIC 184 An Act Concerning the Processing Time for Substitute and Regular School Employee Fingerprinting

LD 1032

Sponsor(s)	Committee Report	Amendments Adopted
LAVERRIERE-BOUC	OTP-AM	H-200

Public Law 2003, chapter 184 provides that, beginning with the 2003-2004 school year, a person employed by a school as a substitute and a person who is a regular school employee and who also needs fingerprinting and a criminal history record check must be issued a temporary approval card by the Department of Education and must meet the fingerprinting and criminal history record check requirements within 8 weeks of employment. The law also provides that, for a person employed as a substitute and for a person who is a regular school employee and who has been fingerprinted pursuant to criminal history record check requirements, the temporary approval card remains valid until the Commissioner of Education determines whether approval is granted or denied based on the criminal history record information obtained from the State Bureau of Identification.

#### PUBLIC 187 EMERGENCY

## An Act To Increase Access to Higher Education

LD 326

Sponsor(s)	Committee Report	Amendments Adopted
BRENNAN	OTP-AM	S-71
KANE		

Public Law 2003, chapter 187 increases the number of foster care residents who are eligible for a tuition waiver at state postsecondary educational institutions from 25 to 30 new students per year in each year. The law also provides that the 5 additional tuition waivers must be available to eligible persons at state postsecondary educational institutions as follows: 3 must be available to eligible persons at the University of Maine System; and 2 must be available to eligible persons at the Maine Community College System.

Public Law 2003, chapter 187 was enacted as an emergency measure effective May 16, 2003.

# PUBLIC 271 An Act To Establish Consistent Requirements for High School Course Credits and Diploma Eligibility

LD 987

Sponsor(s)	Committee Report	Amendments Adopted
MITCHELL	OTP	
GAGNE-FRIEL		

Public Law 2003, chapter 271 makes the law regarding transfer of credit for equivalent instruction at nonapproved private schools consistent with earned credit for homeschool instruction by adding the authority for a principal to require student testing before transferring credit for equivalent instruction. The bill also predicates award of a high school diploma on a student's satisfying both course credit and other requirements set by a local school board.

# PUBLIC 300 An Act To Reimburse the State Poet Laureate and To Provide Access to the State Poet Laureate's Services

LD 84

Sponsor(s)	Committee Report	Amendments Adopted
COWGER	OTP-AM	H-392
TREAT		

Public Law 2003, chapter 300 establishes the State Poet Laureate Reimbursement Fund within the Maine Arts Commission as an Other Special Revenue Funds account. The fund is administered by the commission and may provide funds to nonprofit public agencies and to schools in Maine to reimburse the State Poet Laureate for the cost of travel and related expenses associated with bringing the services of the State Poet Laureate to the community.

#### PUBLIC 314 An Act Relating to Portable Classrooms for Certain Cases

LD 842

Sponsor(s)	Committee Report	Amendments Adopted
MILLS J	OTP-AM	H-351

Public Law 2003, chapter 314 provides that a school administrative unit engaged in a lease agreement for temporary interim nonadministrative space may be eligible for state support beyond the 5-year limit if the school unit has a major capital improvement application or a school revolving renovation fund application on file with the Department of Education and is not rated high enough by the Department of Education using the department's rating scale compared to other school units to obtain funding to correct problems with its facilities. The law also provides criteria that the State Board of Education must use when making a determination on a school unit's appeal for relief from an undue burden presented by this statutory requirement.

#### PUBLIC 325 EMERGENCY

## **An Act Regarding School Bus Contracts**

LD 1564

Sponsor(s)	Committee Report	Amendments Adopted
PINGREE	OTP-AM	H-364
DOUGLASS		

Public Law 2003, chapter 325 allows the Commissioner of Education to authorize a one-year extension of a 5-year contract for transportation of public school students when such an extension would be beneficial to a school administrative unit.

Public Law 2003, chapter 325 was enacted as an emergency measure effective May 27, 2003.

#### PUBLIC 354 EMERGENCY

### An Act To Ensure Timely Responses to Requests for School Administrative District Reapportionments

LD 541

Sponsor(s)	Committee Report	Amendments Adopted
MITCHELL	OTP-AM	S-174
LEDWIN		

Public Law 2003, chapter 354 requires the Commissioner of Education to make a determination whether a school administrative district needs to be reapportioned within 30 days of receiving a request by the board of directors or a petition from district voters. The law also clarifies the duties of the Commissioner of Education in ordering the establishment of a reapportionment committee.

Public Law 2003, chapter 354 was enacted as an emergency measure effective May 30, 2003.

### PUBLIC 427 An Act To Amend the Educators for Maine Program

LD 1340

Sponsor(s)	Committee Report	Amendments Adopted
CUMMINGS	OTP	

Public Law 2003, chapter 427 makes modifications to the Educators for Maine Program administered by the Finance Authority of Maine. The modifications allow for uniform administration of the program by integrating and coordinating amendments that have been made over several years. The changes allow for consistent treatment for all undergraduate candidates, notwithstanding their course of study. The law also:

- 1. Clarifies that there are only 2 categories of eligible students: undergraduate and postbaccalaureate;
- 2. Increases the maximum loan amounts available to students pursuing postbaccalaureate teacher certification from \$1,500 annually to \$2,000 and from up to \$6,000 total to a maximum aggregate loan of \$8,000;
- 3. Clarifies that no loan recipient may receive loan funds that result in making the total financial aid award exceed the amount it costs the recipient to attend the school;
- 4. Changes the maximum time to repay the debt to 11 years, to provide for the period between graduation and commencement of the repayment period. It provides that the authority may limit by rule the number of deferments granted to any one student;
- 5. Allows the authority to forgive loans made to individuals who die or become permanently disabled; and
- 6. Provides that the authority may use a single master promissory note for multiple disbursement of loans under the program.

## PUBLIC 445 An Act To Retain Teachers Holding Targeted Need Area Certificates, Conditional Certificates or Transitional Endorsements

LD 957

Sponsor(s)	Committee Report	Amendments Adopted
SMITH N	OTP-AM	H-458
<b>BROMLEY</b>		H-523 CUMMINGS

Public Law 2003, chapter 445 provides an exception from any amended rules adopted by the State Board of Education that revise the qualifications requirements for targeted need area certificates, conditional certificates or transitional endorsements. Under this law, teachers who were issued targeted need area certificates, conditional certificates or transitional endorsements to teach prior to or during the school year preceding the adoption of revisions to the original rules are exempt from any revision in the qualifications required by amended rules adopted by the State Board of Education for targeted need area certificates, conditional certificates or transitional endorsements, provided that the holder of the targeted need area certificate, conditional certificate or transitional endorsement annually completes the required course work and testing as determined by the Department of Education for the school year preceding the adoption of revisions to the original rules. The law also provides that, until the Department of Education adopts revised rules for targeted need area certificates, the department may issue 2nd and 3rd targeted need area certificates to prelingually deaf applicants provided that an applicant can show evidence of having attempted the Pre-professional Skills Test during the first or 2nd year of holding the targeted need area certificate. Finally, the law directs the Department of Education to consider the need for accommodations for prelingually deaf applicants for targeted need area certificates as the department proceeds with the filing of the revised rule for the remaining portions of Chapter 115: Certification, Authorization and Approval of Education Personnel.

#### **PUBLIC 472**

An Act To Require That Disciplinary, Attendance and Health Records Be Included in the Records That Follow a Student Who Transfers to Another School LD 262

Sponsor(s)	Committee Report	Amendments Adopted
MITCHELL	OTP-AM	S-189
<b>CUMMINGS</b>		

Public Law 2003, chapter 472 requires that when a student transfers from one school administrative unit to another, the school administrative unit from which the student is transferring must transfer the student's disciplinary records, attendance records and health records to the school administrators at the school administrative unit to which the student is seeking a transfer. The law also clarifies that a student's health records, including records and information pertaining to HIV infection status, health care and treatment, mental health treatment and alcohol and other substance abuse treatment, may not be disseminated as part of a student's health records without the authorization or consent necessary under existing state statutes.

# PUBLIC 474 An Act To Clarify the Intent of School Budget Referendum Language

LD 69

Sponsor(s)	Committee Report	Amendments Adopted
COLWELL	OTP-AM	H-115
TREAT		

Public Law 2003, chapter 474 adds language to the required format of school referenda articles to explain to the voters the meaning of the terms "foundation allocation," "debt service" and "additional local funds." Under current law, the legislative body of a school administrative unit must vote to raise and appropriate amounts using articles that are worded in "substantially" the same form as is set forth in the Maine Revised Statutes.

#### PUBLIC 477 An Act To Amend and Improve the Education Laws

LD 1577

Sponsor(s)	Committee Report		Amendments Adopted
DOUGLASS	OTP-AM	MAJ	S-201
CUMMINGS	OTP-AM	MIN	

Public Law 2003, chapter 477 amends certain provisions in the education statutes to ensure compliance with new federal requirements, to reflect current practice or to clarify existing state law. The law accomplishes the following:

- 1. It adds "emotional disability" to the definition of "exceptional student" in the Maine Revised Statutes, Title 20-A, section 7001;
- 2. It adds "undue burden" as a requirement concerning requests for extension of leased space agreements relating to local school administrative units;
- 3. It amends the definition of "homeless student" in compliance with the provisions of federal law;
- 4. It amends the homeless student provisions to be addressed by Department of Education rules to implement federal law;
- 5. It amends and clarifies the section of the statute defining the tuition rate that may be charged by schools receiving tuition students who are enrolled in regular school day applied technology educational programs at applied technology centers. It adds language establishing the tuition rate that may be charged by the applied technology center, satellite or region; and
- 6. It amends the statutes regarding local funding requirements for gifted and talented programs by establishing the date for full implementation of the school administrative unit's gifted and talented program to the 2004-2005 school year. The law also provides that, beginning with the 2004-2005 school year, a school administrative unit may request a one-year waiver from the Commissioner of Education on the requirement for fully implementing its plan for phasing in its gifted and talented program.

PUBLIC 481 An Act To Implement the Recommendations of the Legislative Youth Advisory Council

LD 751

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-295
		S-297 CATHCART

Public Law 2003, chapter 481 implements the recommendations of the Legislative Youth Advisory Council. Specifically, this law:

- 1. Requires the Commissioner of Education, the Secretary of State and the Director of the Office of Substance Abuse within the Department of Behavioral and Developmental Services to develop recommendations for the establishment of a permanent youth advisory committee within the Executive Branch to serve as a resource for any state agency charged with developing, implementing or enforcing programs, policies or laws that apply specifically to youth;
- 2. Requires the Director of the Office of Substance Abuse to review the procedures used by the office for collecting information on drug and alcohol use among youth, including a review of Washington State's "Healthy Youth Survey," and to report back to the Legislative Youth Advisory Council on options to the existing Maine Youth Drug and Alcohol Use Survey tool that include a more appropriate survey tool and a methodology based on random sampling that provides statistically valid data at the state level and within participating local school districts and expanding the target population of the survey to include not only students who attend school but also home-schooled students and youth who attend school infrequently or have dropped out of school;
- 3. Requires the Director of the Office of Substance Abuse to review procedures used by the office for awarding grants for youth-related drug and alcohol abuse prevention programs and services to ensure that those grants are being awarded to programs with the highest demonstrated level of effectiveness and in those areas of the State having the highest demonstrated need;
- 4. Requires the Director of the Office of Substance Abuse and the Commissioner of Education to review and report on procedures for preparing and training teachers and others who administer the Maine Youth Drug and Alcohol Use Survey in the schools to ensure that all persons administering the survey are adequately prepared to perform that task;
- 5. Requires the Commissioner of Education to review the Project ALERT program and other similar prevention programs and prepare recommendations on the viability of those programs as options to the Drug Abuse Resistance Education, DARE, program in Maine schools;
- 6. Requires the Commissioner of Education to review the principles and goals of the alcohol and drug use policies for student athletes proposed in the 2002 report by the Youth Policy and Empowerment Project and discuss that report with the Legislative Youth Advisory Council during the fall of 2003;
- 7. Adds a second Senate member to the Legislative Youth Advisory Council and provides for the legislative chair to alternate every 2 years between the first-appointed House member and the first-appointed Senate member; and

8. Adjusts the terms of the existing youth members to provide greater consistency in membership and simplicity in the appointment process.

Public Law 2003, chapter 481 was enacted as an emergency measure effective June 23, 2003.

## PUBLIC 504 An Act To Implement School Funding Based on Essential Programs and Services

LD 1623

Sponsor(s)	Committee Report		Amendments Adopted
DOUGLASS	OTP-AM	MAJ	S-258
CUMMINGS	ONTP	MIN	

Public Law 2003, chapter 504 establishes the Essential Programs and Services Funding Act. The law establishes targets for a transition to a new school funding approach, based on essential programs and services, in order to provide all children with an equitable opportunity to access the resources necessary to achieve the high standards of Maine's system of learning results. Specifically, the law accomplishes the following:

- 1. It defines the elements of essential programs and services in order to: (a) determine the resources necessary for all students in each school administrative unit; (b) establish the methodology to calculate per-pupil guarantees unique to each school administrative unit based on each unit's personnel profile for years of experience and education level; (c) address providing additional resources for specialized student populations; (d) define the major cost components; (e) provide for targeted funds; and (f) provide for an annual updating of the components;
- 2. It provides for a transition adjustment to minimize the fiscal impact directly related to the phase-in of this Act;
- 3. It establishes targets for a transition to an increased state share percentage; and clarifies that the annual targets established for the essential programs and services transition percentage exclude program cost allocation, debt service allocation and adjustments;
- 4. It incorporates the statutory language necessary to maintain the current distribution method for operating allocation that was established in the School Finance Act of 1995; and establishes July 1, 2005 as the effective date for the repeal of the School Finance Act of 1995 to coincide with the implementation of the transition to a new school funding approach, based on essential programs and services, beginning in fiscal year 2005-06;
- 5. It establishes that, beginning in fiscal year 2004-05, the pupil counts and the property valuation data used for determination of the state subsidy to be distributed to each school administrative unit will be based on the averages of the annual numbers for pupil count and for property valuation for the most recent 3-year period or the pupil counts and the property valuation data for the most recent year, whichever results in a greater pupil count or a lesser property valuation compared to statewide averages for these factors;
- 6. It establishes a timeline for reviewing the essential programs and services components by providing that the first review shall begin in fiscal year 2006-07 and that subsequent review cycles shall take place at least every 2 years thereafter; and

7. It provides that rules adopted to implement the provisions of the Essential Programs and Services Funding Act are major substantive rules.

### P & S 14 An Act Regarding University of Maine System Boards of Visitors

LD 1116

Sponsor(s)Committee ReportAmendments AdoptedDUNLAPOTP-AMH-138

Private and Special Law 2003, chapter 14 requires that each board of visitors for each of the 7 universities in the University of Maine System must submit an annual report of its activities to the Board of Trustees of the University of Maine System. The law also requires that the Board of Trustees submit a copy of the annual report of each board of visitors to the Legislature and to the joint standing committee of the Legislature having jurisdiction over education matters annually in January as part of the report required from the Board of Trustees under existing law.

#### P & S 20 EMERGENCY

An Act To Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by School Administrative District No. 71

LD 1615

<u>Sponsor(s)</u> <u>Committee Report</u> <u>Amendments Adopted</u>

Private & Special Law, chapter 20 validates a school construction referendum conducted by Maine School Administrative District No. 71 on October 1, 2002 and authorizes the district to enter into contracts and issue bonds or notes of the district for the project. The validation is necessary because copies of the warrants that were delivered to the towns and posted were not attested. Validation of the referendum will eliminate a legal technicality that could affect the marketability of the bonds or notes to be issued by the district for the project.

Private & Special Law, chapter 20 was enacted as an emergency measure effective May 19, 2003.

# RESOLVE 10 Resolve, Directing the Department of Education To Develop Guidelines for Outdoor Playground Surfaces

LD 628

Sponsor(s)	Committee Report	Amendments Adopted
TRAHAN	OTP-AM	H-150
HALL		

Resolve 2003, chapter 10 requires the Department of Education to develop and communicate policy guidelines for outdoor playground surfaces at public schools.

# RESOLVE 18 Resolve, Directing the Maine State Cultural Affairs Council To Examine Available Funding for Local Historical Societies

LD 1069

Sponsor(s)	Committee Report	Amendments Adopted
THOMPSON	OTP-AM	H-133
MAYO		

Resolve 2003, chapter 18 directs the Maine State Cultural Affairs Council to review and study all available funding sources to fund projects for local historical societies to document and preserve the local histories throughout the State. It also directs the Council to submit a report with its findings and any necessary implementing legislation to the Joint Standing Committee on State and Local Government by December 15, 2003.

#### RESOLVE 48 EMERGENCY

Resolve, Directing the Department of Agriculture, Food and Rural Resources, the Department of Education, the Department of Human Services and the Department of Labor To Review the 2002 United States Environmental Protection Agency List of Pesticides Registered and Classified as Known, Likely or Probable Human Carcinogens

LD 199

Sponsor(s)Committee ReportAmendments AdoptedEDEROTP-AMH-323

Resolve 2003, chapter 48 directs the Department of Agriculture, Food and Rural Resources, the Department of Education, the Department of Human Services and the Department of Labor to review the 2002 EPA list of pesticides registered and classified as known, likely and probable carcinogens and compare it to current department rules governing the purchase and storage of hazardous chemicals. The law directs the departments to report back to the Joint Standing Committee on Education and Cultural Affairs with recommendations regarding proposed amendments to current department rules regarding the use and storage of hazardous chemicals by July 1, 2003.

Resolve 2003, chapter 48 was passed as an emergency measure effective May 27, 2003.

#### RESOLVE 56 EMERGENCY

Resolve, Regarding Legislative Review of Chapter 7: Rules Advancing the Performance of Sound Student Safety Practices in Maine's Public Schools and Colleges, a Major Substantive Rule of the Department of Labor, Bureau of Labor Standards, Board of Occupational Safety and Health LD 1508

Sponsor(s)	Committee Report	Amendments Adopted
_	OTP-AM	H-423
		H-521 CUMMINGS

Resolve 2003, chapter 56 requires the Department of Labor, Bureau of Labor Standards, Board of Occupational Safety and Health to amend its provisionally adopted major substantive rules regarding sound student safety

practices in Maine's public schools and colleges. The law specifies that the portions of the rule that are authorized for final adoption are only those portions sufficient to permit the Bureau of Labor Standards to communicate allegations of unsafe student conditions in educational institutions and to provide any technical assistance that may be necessary to these educational institutions.

Resolve 2003, chapter 56 was enacted as an emergency measure effective June 2, 2003.

RESOLVE 60 EMERGENCY Resolve, Regarding Legislative Review of Portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, a Major Substantive Rule of the Department of Education LD 1530

Sponsor(s)Committee Report<br/>OTP-AMAmendments Adopted<br/>H-453

Resolve 2003, chapter 60 provides that only specific portions of the provisionally adopted major substantive rule submitted by the Department of Education related to certification, authorization and approval of education personnel are authorized and also provides that the remainder of the provisionally adopted major substantive rule may not be adopted, but rather must be reviewed and resubmitted by the Department of Education. The law authorizes the adoption of the proposed provisions to the Administrator Certificates section of the rule only if certain portions of this section of the rule are amended to include references to the Interstate School Leaders Licensure Consortium standards as part of the alternative pathways to certain administrator certificates.

The law also requires that, pending the decision of the United States Department of Education on the Maine Department of Education's Consolidated State Application for State Grants under the federal Elementary and Secondary Education Act, the Department of Education shall review and file a revised provisionally adopted major substantive rule. The law further requires that the department shall consider the concerns raised by interested parties during public hearings and work sessions on this rule conducted by the Joint Standing Committee on Education and Cultural Affairs related to other portions of the provisionally adopted major substantive rule that are not necessarily subject to the educator quality requirements of the federal Elementary and Secondary Education Act as amended by the No Child Left Behind Act of 2001.

Resolve 2003, chapter 60 was enacted as an emergency measure effective June 3, 2003.

#### RESOLVE 85 EMERGENCY

Resolve, To Prepare Maine's Students for Active Citizenship

LD 425

Sponsor(s)	Committee Report		Amendments Adopted
CUMMINGS	OTP-AM	MAJ	H-239
ROTUNDO	ONTP	MIN	H-599 CUMMINGS

Resolve 2003, chapter 85 establishes the 15-member Commission to Study the Scope and Quality of Citizenship Education. The commission is required to solicit and use outside funding to cover all its costs. The commission is also required to submit its report to the Second Regular Session of the 121st Legislature no later than December 3, 2003 and is authorized to submit a bill to the Legislature at the time of submission of its report.